

**Lewis County Fiscal Court
Regular Meeting
October 8, 2012**

AT A REGULAR MEETING OF THE LEWIS COUNTY FISCAL COURT, HELD AT THE COURTHOUSE IN VANCEBURG, KENTUCKY AT 6:00 P.M., WITH THE HONORABLE J. PATRICK COLLINS PRESIDING AND WITH THE FOLLOWING MAGISTRATES IN ATTENDANCE: ESQ. PAUL B. SWEARINGEN ESQ. JOE BENTLEY AND ESQ. MILT STANFIELD BEING ABSENT.

Johnny W. Bivens, Lewis County Sheriff, called the meeting to order.

Joe Bentley offered a prayer.

The Pledge of Allegiance was led by Judge Collins.

The roll was called with Milt Stanfield being absent and all other members present.

On a motion made by Joe Bentley duly seconded by Paul B. Swearingen with all present members voting yes to approve the **September 7, 2012**, regular Fiscal Court Meeting Minutes.

On a motion made by Joe Bentley duly seconded by Paul B. Swearingen with all present members voting yes to approve the **September 25, 2012**, Special Called Meeting Minutes.

RESPONSE FROM THE PUBLIC

Jeff Richmond addressed the court in regards to **Butler Branch Bridge** and it's need for repair. Tom Kennard, Road Supervisor, and Tom Bertram, County Attorney, explained the details surrounding the bridge. The bridge has not been adopted into the county road system. The state has deemed the bridge as private and would be condemned if made public. Judge Collins explained that the county cannot legally make any repairs to the bridge but he recommended that the bridge be brought up to specifications by the property owners and at that time the court would reopen the discussion. Tom Kennard also said that he will talk to property owners and begin any necessary action to obtain an easement and survey.

OLD BUSINESS

Sheriff Bivens informed the court that Buffalo Trace ADD and his office collaborated on a bid for the Emergency Radio System upgrade.

Thurman Lane and **Lumpy Lane** are still in the process of being surveyed according to Tom Kennard and the widening project of **Murphys Lane** has begun work.

Roof replacement on the E911 building has been completed. An invoice was submitted to the court requesting an additional \$100 above the original bid of \$19,500.00 for an external fan that was needed. The invoice also requested a 90% payment with the remaining 10% paid upon receipt of the manufacturer's warranty on the roof.

On a motion made by Joe Bentley duly seconded by Judge Collins with both voting yes and Paul Swearingen voting no to accept the adjusted invoice total of \$19,600.00 for the E911 **roof replacement** and approve a 90% payment with the remaining 10% paid upon receipt of the manufacturer's warranty on the roof. Motion passed.

NEW BUSINESS

On a motion made by Paul Swearingen duly seconded by Joe Bentley with all present members voting yes to approve the reimbursement of unspent **Waste Tire Grant** funds from FY2011-2012 in the amount of \$2046.00

On a motion made by Paul Swearingen duly seconded by Joe Bentley with all present members voting yes to approve the application for **Waste Tire Grant** funding for FY2012-2013.

Amy Kennedy from Buffalo Trace ADD addressed the court and explained that the original bid for the **Bradner Farms** appraisal in the amount of \$2,500.00 from Bramel & Clemons, which had already been approved by the Fiscal Court, had been disqualified due to an incomplete proposal. She asks that the court approve a bid from Vance Mosley for \$3,500.00 which does include the timber value.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with all present members voting yes to resend previous bid approval from Bramel & Clemons for the **Bradner Farms** appraisal and to accept the bid proposal from Vance Mosley in the amount of \$3,500.00.

Mrs. Kennedy presented the bids for the 60 year title opinion for property being acquired by the Kentucky Heritage Land Conservation Fund for a nature preserve.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with all present members voting yes to accept the bid from Excel Title Services LLC in the amount of \$750.00.

Mrs. Kennedy informed the court that the State is requesting the County's assistance in daily inspections from the County Engineer on the **Cabin Creek Covered Bridge** project.

On a motion made by Joe Bentley duly seconded by Judge Collins with all present members voting yes to approve the advertisement of the **Animal Control Truck** to go out for bid as surplus.

Judge Collins made a suggestion that if the county were to receive any proceeds from the **Wachovia Muni Bond Derivative Settlement** that the court would consider giving those proceeds to the **Lewis County Boys & Girls Club** to help with their request for Fiscal Court assistance with their program. County Attorney, Tom Bertram, stated that any proceeds would need to be held for claims for an unspecified amount of time.

On a motion made by Judge Collins duly seconded by Paul Swearingen with both voting yes and Joe Bentley voting no to have the county **Trick or Treat** coincide with the city for a date and time of October 31, 2012 between the hours of 5:00pm – 7:00pm.

On a motion made by Joe Bentley duly seconded by Judge Collins with both voting yes and Paul Swearingen voting no to approve **Emergency Budget Amendment Ordinance #12-5** for the unbudgeted receipt of a Cost Allocation Transfer from the Lewis County Road Department.

On a motion made by Paul Swearingen duly seconded by Judge Collins with all present member voting yes to approve the continuation of a lease agreement with Ed Harris for the property located behind the **Vanceburg Industrial Park**.

Joe Bentley informed the court that he had been speaking the Vietnamese owners of property located on **Union Hill Rd** regarding the possible closure of the road. Tom Bertram recommended that all property owners to be in written agreement in order for the road to be closed.

Tom Bertram asked that the court approve a salary increase for **Gail Clark**, secretary, and **Ben Harrison**, assistant county attorney. He would also continue to reimburse the county 100% for processing payroll.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with all present members voting yes to approve the salary increase for **Gail Clark** and **Ben Harrison** with 100% of the salaries to still be reimbursed by the County Attorney office for processing.

On a motion made by Paul Swearingen duly seconded by Joe Bentley with all present members voting yes to approve the return of \$3,836.69 in unspent **Illegal Open Dump Remediation Grant** funds.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with all present members voting yes to allow the Judge Executive to sign the Straight Fork Easements and accept into county road system.

Johnny W. Bivens, Lewis County Sheriff presented the monthly Sheriff's report.

Chris McCane, Lewis County Jailer presented the monthly Detention Center Report.

On a motion made by Joe Bentley duly seconded by Judge Collins with all present members voting yes to acknowledge receipt of the **Monthly Jail Commissary Financial Report**. See Finance Book #4.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with all present members voting yes to approve the **Monthly Treasurer's Report** as submitted by Kathy Dillow, Lewis County Treasurer. See Finance Book #4. The court also acknowledges receipt of the Treasurer's Quarterly report.

Tom Kennard, Lewis County Road Supervisor submitted the monthly Road Department Report.

Homer Wilburn, Lewis County Animal Control Officer submitted the monthly Animal Control Report.

Johnny Bivens, Lewis County E911 Director submitted a written monthly EMS Report.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with all present members voting yes to approve the **claims**, for General, Road and Bridge, Jail, Animal Shelter, E911 and LGEA accounts as presented. See Finance Book #4.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with all present members voting yes to approve the **transfers** for the General, Road and Bridge, Jail, Animal Shelter, E911, and LGEA . See Finance Book #4.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with all present members voting yes to **adjourn** the meeting.

J. Patrick Collins Lewis County Judge Executive